

# United States District Court

for the  
Western District of New York

United States of America

v.

Case No. 20-MJ-676

DYSHIKA MCFADDEN  
-and-  
MIGUEL RAMOS,

*Defendants*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about May 30, 2020, in the County of Monroe, in the Western District of New York, **DYSHIKA MCFADDEN and MIGUEL RAMOS** did knowingly and unlawfully conspire to commit arson, in violation of Title 18, United States Code, Section 844(n) (conspiracy to commit arson) and Title 18, United States Code, 844(i) and 2 (arson).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on:

Date: June 30, 2020

City and State: Rochester, New York

  
*Complainant's signature*

ATF SPECIAL AGENT RYAN J. SZWEJBKA  
*Printed name and title*

  
*Judge's signature*

HONORABLE MARK W. PEDERSEN  
UNITED STATES MAGISTRATE JUDGE  
*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

20-MJ-0676

DYSHIKA MCFADDEN

-and-

MIGUEL RAMOS,

Defendants.

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State of New York    )  
County of Monroe    ) ss:  
City of Rochester    )

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

**RYAN J. SZWEJBKA**, being duly sworn, deposes and says:

1. I am a Senior Special Agent (“SA”) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, & Explosives (“ATF”), and I am assigned to the Rochester, New York Field Office. Accordingly, I am the kind of Special Agent delineated in Title 18, United States Code, Section 3051.

2. I am a graduate of the Criminal Investigator School and the ATF National Academy, both located at the Federal Law Enforcement Training Center in Glynco, Georgia. I have been employed as an ATF Special Agent for over 18 years. As part of my professional experience, I have participated in state and federal investigations involving the illegal possession of firearms, narcotics, and violations of federal laws to include Titles 18 and 26,

United States Code and am familiar with various federal arson laws. Previously, I was employed by the State of South Carolina as a Probation and Parole Agent for one and one half years. I earned a Bachelor's of Science Degree from the University of South Carolina (USC) in Criminal Justice in 1996. I received my Master's Degree from USC in Criminal Justice in 1999. I have participated in the service of State and Federal search and seizure warrants and have seized or assisted in seizing contraband, including firearms, ammunition, documentary evidence and contraband.

### **PURPOSE OF AFFIDAVIT**

3. This affidavit is submitted in support of a criminal complaint which alleges there is probable cause to believe that on or May 30, 2020, in the City of Rochester, County of Monroe, Western Judicial District of New York, the defendants, DYSHIEKA MCFADDEN (hereinafter MCFADDEN) and MIGUEL RAMOS (hereinafter RAMOS) did commit violations of Title 18, United States Code, Section 844(n) (conspiracy to commit arson) and Title 18, United States Code, 844(i) and 2 (arson).

4. The assertions made herein are based upon my personal knowledge and upon information that I have received from this investigation, including to but not limited to the review of police reports and discussions with other law enforcement agents and officers, all of which are true and correct to the best of my knowledge and belief. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue

of whether probable cause exists to believe that the defendant committed the above-mentioned offenses. In support thereof, I respectfully state the following:

**PROBABLE CAUSE**

5. On May 30, 2020, protests were scheduled at the Public Safety Building (PSB), 185 Exchange Boulevard, City of Rochester, Western Judicial District of New York, in response to the death of George Floyd in Minneapolis, Minnesota. Officers employed by the Rochester Police Department (RPD) were assigned to assist with crowd control during the protests. Marked patrol vehicles, including patrol vehicle with plate number 463, VIN #2G1WD5E38C1317282 (hereinafter RPD CAR 463) was parked in the front loop of the PSB. RPD CAR 463 was readily identifiable as a law enforcement vehicle by markings on all sides of the vehicle and a light bar on top.

6. During the evening, the protests turned violent resulting in damaged property, looting, and fires. At approximately 5:05 p.m., RPD CAR 463 was damaged by fire. Due to the violence and rioting, RPD CAR 463 was towed away from the PSB and secured at 945 Mount Read Boulevard, which is the Equipment Services Facility for the City of Rochester. Once secured, fire investigators conducted an investigation to determine the cause of the fire. The front passenger seat, driver seat, and the entire front inside compartment of the vehicle were damaged by fire. The vehicle was determined to be a total loss. After review of video and photographic evidence, the fire investigators concluded the damage to the vehicle was caused by intentional fire. Fire investigators removed fire debris samples from the burned seat of RPD CAR 463 for lab analysis.

7. Upon review of various video footage, including but not limited to City of Rochester blue light cameras, footage from a law enforcement aerial drone, and Facebook Live videos, the RPD Major Crimes Unit was able to identify MCFADDEN and RAMOS as the individuals who intentionally set fire to RPD CAR 463.

8. Specifically, the videos show a black male with braids wearing a gray RIT hooded sweatshirt and jeans with rips on the quadriceps, later identified as MCFADDEN, spray an apparent aerosol can while using an open flame into the driver side of RPD CAR 463. A black male wearing a red and blue jacket, jeans, white sneakers, and hat holding a protest sign, later identified as RAMOS, then also used an aerosol can and open flame to set fire inside RPD CAR 463. These acts led to a fire inside the vehicle. The photos below are stills from a Facebook Live video that show MCFADDEN and RAMOS lighting RPD CAR 463 on fire.



9. At approximately 7:20 p.m. on June 1, 2020, Police Officer Mike Daly from the Town of Gates Police Department viewed a photograph with three males from the protests. Officer Daly identified the black male with braids wearing a gray RIT hooded sweatshirt and jeans with rips on the quadriceps as MCFADDEN. Officer Daly had personal knowledge of MCFADDEN based upon two prior encounters with him in the Town of Gates. Officer Daly also had the opportunity to view his Facebook page and identified MCFADDEN from a Facebook Live video clip.

10. On June 3, 2020 at approximately 1:45 p.m., Rochester Fire Investigator Thomas Dorrer and Rochester Police Investigator Nicholas Mazzola spoke to MCFADDEN at the PSB. MCFADDEN was advised of his Miranda Rights. He indicated he understood his rights and agreed to waive them and speak with the investigators. In sum and substance, MCFADDEN acknowledged being at the protest on May 30, 2020. During the interview, he identified himself in photographs taken from the protests. In the first photograph, he initially pointed to himself in the RIT sweatshirt but then denied being in the photo. Later he was shown another photo and identified himself as the male with the braids and blue jeans. Investigators showed him a third photograph during the interview where he identified himself as the individual in the RIT sweatshirt. During the interview, MCFADDEN admitted to jumping on top of a police car, lighting a marked police car on fire using a lighter and a spray can, helping to flip a vehicle onto its hood, spraying graffiti, and climbing onto a moving fire truck. MCFADDEN also told investigators that he recorded the riots on his phone.

MCFADDEN's mother brought his phone to the PSB and MCFADDEN reviewed several clips with the investigators.

11. On June 3, 2020, Investigator Mazzola met with Rochester Police Officer Allen and Officer Mason regarding RAMOS. Officers Allen and Mason arrested RAMOS on May 30, 2020 at approximately 9:40 p.m. for Riot in the First Degree based upon his actions during the evening. After reviewing surveillance footage from the torching of RPD CAR 463, Officer Allen and Officer Mason recognized the male wearing a red and blue jacket as RAMOS. Officers Allen and Mason were able to identify RAMOS based upon their interactions with him during the May 30<sup>th</sup> arrest.

12. Based on information provided to me, RPD CAR 463 is the property of the City of Rochester government. Both the RPD and City of Rochester government conduct business in interstate commerce, for instance by purchasing vehicles and other equipment and supplies in interstate commerce. Additionally, investigators have verified that RPD CAR 463 was manufactured outside of the state of New York, and therefore affected interstate and/or foreign commerce. The activities of the RPD and the City of Rochester government in enforcing laws also affect interstate commerce.

### **CONCLUSION**

13. Based upon the above information, I submit that there is probable cause to believe that on May 30, 2020, in the City of Rochester, County of Monroe, Western Judicial District of New York, the defendants, DYSHIEKA MCFADDEN and MIGUEL RAMOS,

did commit violations of Title 18, United States Code, Section 844(n) (conspiracy to commit arson) and Title 18, United States Code, 844(i) and 2 (arson).



RYAN J. SZWEJBKA  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms,  
and Explosives

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on this 30th day of June 2020.



HON. MARK W. PEDERSEN  
United States District Court